

DOH RELEASES FISCAL INTERMEDIARY AUTHORIZATION APPLICATION

Home Care Alert
November 3, 2017

The Department of Health has released the long awaited Fiscal Intermediary (FI) Authorization Application (Application). Pursuant to legislative amendments enacted in the 2016-2017 NYS budget, all FIs currently operating in NYS are required to obtain initial authorization from the Department. The Application requires FIs to:

- Identify the FI entity, in particular the corporate form of the entity (corporation, LLC, etc.) and the types of contracts the FI has entered into it (LDSS, MCO, etc.). The FI must attach a summary of the corporate structure, including an organizational chart, a list of all contractual relationships with state agencies, and a certified copy of a resolution from the FI governing board.
- Provide a “Project Narrative” pursuant to which the FI must attach a history of the organization, copies of the policies and procedures, a description of the FI will solicit input from stakeholders (consumers, assistants, etc.) to improve service delivery, and a summary of how the FI will meet the needs of consumers.
- Provide corporate charter documents, based on the FI entity’s corporate form, including a list of all members/partners/stockholders, Operating Agreement and Articles of Organization (if applicable), and information on any D/B/As that the FI entity is approved to use. The Application also requires information on *related* organizations that can exercise control over the FI.
- Certain owners (stockholders who own more than 10%), officers and directors must individually complete the attached “Schedule 1,” which is similar to the character and fitness forms under the Department's Certificate of Need Process.

The FI must designate an individual with authority to sign the Application on behalf of the FI. When completed, the Department has requested that the Application and all attachments, identified by number, and schedules, should be scanned as a single PDF and submitted electronically at FIAuthorization@health.ny.gov. There is no fee for the submission of an Application.

The Department has indicated that all communications related to the authorization process will be conducted electronically through this address. The approval process is overseen by the Office of Health Insurance Programs/Division of Long Term Care, which is operationally responsible for CDPAP.

Attorneys

Jane Bello Burke
Reetuparna Dutta
Peter Godfrey
John Godwin
Michelle Merola
Kinsey O'Brien

Practices & Industries

Healthcare
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The Department has stated that all Applications must be submitted by **December 1st**. That said, Division of Long Term Care leadership has stated that all existing FIs may continue to operate “as-is” until authorizations are granted or denied. The Department has not provided an expected timeline for completion of the Authorization process, although leadership has indicated the process may take a considerable period of time. We anticipate the process to continue well into 2018.

Pending legislation to postpone the authorization requirements for existing FIs to January 1, 2019 has not yet been called up by the Governor. While we are continuing to monitor this legislation, at this time all FIs must complete the Application.

Home care agencies that may have questions concerning this new process are encouraged to contact any member of our home care team.